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| 09/445,133      | 03/13/2000  | AHMET MURSIT ESKICIOGLU | RCA88674            | 9526             |

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THOMSON MULTIMEDIA LICENSING INC

JOSEPH S TRIPOLI

PO BOX 5312

2 INDEPENDENCE WAY

PRINCETON, NJ 08543-5312

EXAMINER

KLIMACH, PAULA W

ART UNIT

PAPER NUMBER

2135

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/445,133

Applicant(s)

ESKICIOGLU, AHMET MURSIT

Examiner

Paula W Klimach

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

This office action is in response to amendment filed on 5/14/04 (Paper No. 10). Original application contained Claims 1-20. The amendment filed on 5/14/04 have been entered and made of record. Therefore, presently pending claims are 1-20.

***Response to Arguments***

Applicant's arguments filed 5/14/04 have been fully considered but they are persuasive. The delay in citation of the newly discovered prior art is regretted.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski et al (6,424,714 B1).

*In reference to claim 1*, Wasilewski discloses a system that provides conditional access to services (abstract), wherein the user can select an event (column 30 lines 32-47. The agent responds to the customer order by sending an EMM containing the necessary entitlement information (column 30 lines 48-67). Wasilewski further discloses the secure delivery of the event (programs) from the service provider to the customer set top unit (abstract). Wasilewski discloses receiving at the device the encrypted message (column 7 lines 1-17). In the system of Wasilewski further decrypts the encrypted message to obtain a descrambling key, the program is

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scrambled with the descrambling key for preventing unauthorized access to the event and descrambling the selected event using the descrambling key (Fig. 4).

Wasilewski does not expressly disclose indicating the events that are available to the customer in the form of an electronic list of events.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to indicate the customer the types of events that are available in the form of a list of events. One of ordinary skill in the art would have been motivated to do this because a list is an organized and simple way of communicating information.

2. **Claims 15, and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski et al (6,424,714 B1) in view of Pinder et al (5,742,677).

In reference to claim 15 and 18, Wasilewski discloses a system that provides conditional access to services (abstract), wherein the user can select an event (column 30 lines 32-47. The agent responds to the customer order by sending an EMM containing the necessary entitlement information (column 30 lines 48-67). Wasilewski further discloses the secure delivery of the event (programs) from the service provider to the customer set top unit (abstract). Wasilewski discloses receiving at the device the encrypted message (column 7 lines 1-17). In the system of Wasilewski further decrypts the encrypted message to obtain a descrambling key, the program is scrambled with the descrambling key for preventing unauthorized access to the event and descrambling the selected event using the descrambling key (Fig. 4).

Wasilewski does not expressly disclose indicating the events that are available to the customer in the form of an electronic list of events.

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At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to indicate the customer the types of events that are available in the form of a list of events. One of ordinary skill in the art would have been motivated to do this because a list is an organized and simple way of communicating information.

However Wasilewski do not disclose the use of digital certificates in an electronic program guide.

Pinder discloses the use of the private key used for digital signatures (column 5 lines 33-34).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the private key for a digital signature created using a private key as in Pinder in the system of Nagel. One of ordinary skill in the art would have been motivated to do this because the digital signature operations provide authentication (Pinder column 5 lines 34-35).

3. **Claims 2-14 and 16-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski and Pinder in view of Vancelette.

*In reference to claim 2*, the steps of decrypting said message, receiving said selected event, and descrambling said selected event are performed in a smart card coupled to the device (column 9 lines 26-33). The message being encrypted using a public key associated with said smart card and said step of decrypting uses a private key associated with and stored in said smart card, Vancelette suggests that this data is encrypted on the smart card since in the downloadable form the data is encrypted with the other data (column 6 lines 57-65).

*In reference to claim 3*, said message further comprises event information, said event information being decrypted using said private key (column 9 lines 54-67 in combination with column 6 lines 56-64).

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*In reference to claim 4*, the event information is stored where the step is performed in the smart card (column 9 line 26-30). The information is downloaded to the terminals memory, the  
smart card has memory also and is situated at the terminal and is therefore available memory for the storage of the downloaded information.

*In reference to claim 5*, the smart card has a card body having a plurality of terminals arranged on a surface of said card body in accordance with one of ISO 7816 and PCMCIA card standards. It is inherent that the card body has terminals on its body for connection to the card reader for accessing the memory of the card.

*In reference to claim 6*, authenticating said list of events to verify the origin of said message. The events in the list are authenticated by the virtue of the list being encrypted by the service provider. The terminal then decrypts the packets with the corresponding key. This implies that only those with the key that corresponds the key of the service provider can decrypt the list and therefore the information comes from the service provider (column 9 lines 4-6).

*In reference to claim 8*, event information comprises channel identification data, event identity data, date and time stamp data, and billing data (column 2 lines 59-65).

*In reference to claim 9*, further comprising the step of storing said event information, wherein said step of storing said event information is performed in said device (column 9 lines 27-30).

*In reference to claim 13 and 14*, said event information is used within said device to update said user's account information (column 2 lines 59-65).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the smart card as in Vancelette in the system of Wasilewski. One of ordinary skill in the art would have been motivated to do this because smart cards are small and portable and have the processing power to perform encryption.

*In reference to claims 7*, Pinder discloses the use of the private key used for digital signatures (column 5 lines 33-34).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the private key for a digital signature created using a private key as in Pinder in the system of Wasilewski. One of ordinary skill in the art would have been motivated to do this because the digital signature operations provide authentication (Pinder column 5 lines 34-35).

*In reference to claim 10*, digital signature, said second public key and said second private key are issued by an independent certificate authority and are associated with said list provider (Pinder column 10 lines 16-20).

*In reference to claim 11*, said device is a digital television. The device suggested by Vancelette is a display device, 80, a digital television is a display device and is therefore the device suggested by Vancelette.

*In reference to claim 12*, said device is a set-top box (column 6 lines 43-45).

*In reference to claims 16 and 19*, the device is a set-top box (column 6 lines 43-45).

*In reference to claims 17 and 20*, the device is a digital television. The device suggested by Vancelette is a display device, 80, a digital television is a display device and is therefore the device suggested by Vancelette.

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***Conclusion***

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Peters et al 5,884,284

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula W Klimach whose telephone number is (703) 305-8421. The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Monday, July 26, 2004

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100